IN THE HIGH COURT OF UTTARANCHAL AT

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WRIT PETITION NO. 226 (SS) OF 2006

Narendra Pal Singh,
S/o Late Sri Karan Singh,
Assistant W8ild Life Warden,
Rajaji National Park, Motchur Range,
P.O. Haripur Kalan, District Dehradun. .....Petitioner.

Versus

1. Director / Forest Conservator,
   Rajaji National Park, District Dehradun.
2. Chief Wild Life Warden,
   Rajaji National Park, District Dehradun.

.....Respondents.

Sri Sharad Sharma, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 27.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to grant appointment to the petitioner on the post of Forester under the Dying in Harness Rules of 1974 for which he is qualified.

Brief facts giving rise to the present writ petition are that the father of the petitioner Mr. Karan Singh was appointed as Wild Life Guard in District Pauri in the year, 1966. Thereafter, the father of the petitioner was promoted in the year 2000 on the post of Forester/Assistant Wild Life Warden.

The father of the petitioner died in harness on 10th March, 2001 while he was working with the respondents as Forester.

After the death of his father, the entire responsibility of his family came on the shoulders of the petitioner and he

applied on 24th March 2001 for appointment on compassionate ground under Dying in Harness Rules, but the same was not considered.

A recommendation was made (Annexure 3 to the writ petition) to the effect that fourteen posts are lying vacant. In the letter dated 7th April, 2001, it was further clarified that the father of the petitioner namely Sri Karan Singh was appointed as Forester and the petitioner has applied for the same and 14 posts are lying vacant.

The petitioner has also referred another order passed by the forest minister, who has certified that the petitioner's father was a Forester and other persons have been given appointment on the post of Forester and the petitioner also deserves for the same post. The recommendation to that effect is quoted below:-

"उत्तरांचल वन रक्षक संध का पत्र दिनांक 30–6–2001 {संलग्न मूल में} का अवलोकन करें। संध के पत्र से स्वतः स्पश्ट है कि विभाग के अर्न्तगत मृत आश्रितों की भर्ती मे विभागीय अधिकारियों द्वारा मनमानी की जा रही है। उदाहरण स्वरूप स्व0 श्री वीरेन्द्र भारती, वन क्षेत्राधिकारी के आश्रित श्री मनोज को भी वन दरोगा बनाया गया है। यहां तक की रेंज अर्दली के आश्रित श्री ललित मोहन बर्थवाल को भी वन दरोगा बनाया गया, लेकिन स्व0 श्री करण सिंह,स0व0ज0प्र0 के आश्रित श्री नरेन्द्रपाल सिंह को वन दरोगा के स्थान पर वन रक्षक बनाया जा रहा हैं। संज्ञान में लाया गया है कि श्री नरेन्द्र सिंह वन दरोगा के लिए पूर्ण अर्हता रखता है।

अतः श्री नरेन्द्र सिंह को भी अन्य मृतक आश्रितों की भांति वन दरोगा के पद पर नियुक्त करने का कश्ट करें।"

The grievance of the petitioner is that in spite of several representations made by the petitioner, he has not been appointed on the post of Forester but has been appointed on the post of Forest Guard vide order dated 27th March, 2001. The petitioner has made a representation on 25th July, 2001 and

again on 14th February, 2006, but the same has not been considered as yet.

In view of the aforesaid recommendation as well as other appointments on the post of Forester, the respondent no. 2 is directed to dispose of the representations of the petitioner within a period of six weeks from the presentation of the certified copy of the order by passing an appropriate order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

27.02.2006
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